

Entered - 2-4-10 sb  
CL 10L0102 - GWENDOLYN BURNS

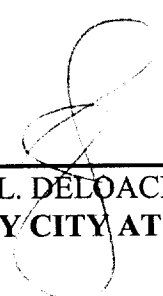
10-*R*-0448

CLAIM OF: **TYRON CLARK**  
886 Custer Avenue, SE  
Atlanta, Georgia 30316

For vehicular damages alleged to have been sustained after driving over a series of potholes in the roadway February 1, 2010 at 3412 Martin Luther King Jr. Drive, SW.

THIS ADVERSED REPORT IS APPROVED

MAR 15 2010

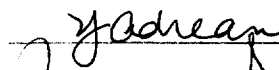
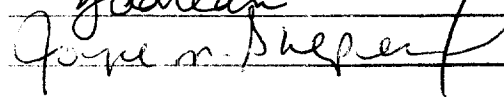
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 3/9/10

CHAIR 

MAR 15 2010  
APPROVED BY  
CITY COUNCIL

MAR 15 2010

APPROVED BY  
CITY COUNCIL



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

March 19, 2010

Mr. Tyron Clark  
886 Custer Avenue, SE  
Atlanta, Georgia 30316

Dear Mr. Clark

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 15, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0102

Date: February 11, 2010

Claimant /Victim TYRON CLARK  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 886 Custer Avenue, Atlanta, Georgia 30316  
Subrogation: Claim for Property damage \$ 2,799.53 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 2/2/09 Method: Written, Property \_\_\_\_\_ Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 2/1/10 Place: 3412 Martin Luther King, Jr. Drive, SW  
Department \_\_\_\_\_ Bureau : \_\_\_\_\_ Office : \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained vehicular damages after driving over a series of potholes in the road on the above referenced date and time. An investigation has determined that the State of Georgia, Department of Transportation maintains Martin Luther King, Jr. Drive, SW. The claimant has been advised and the claim has been forwarded to GDOT for a resolution.

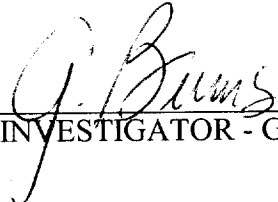
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

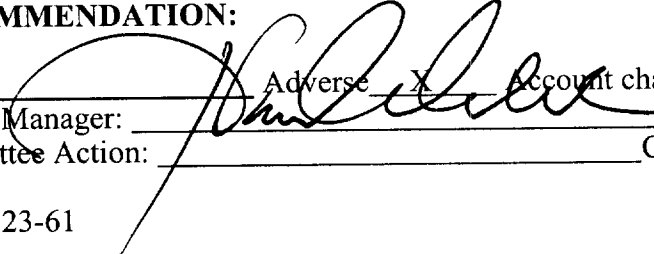
### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

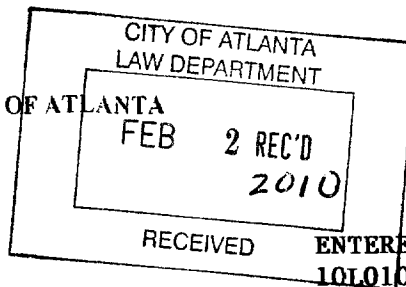
Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: General Fund \_\_\_\_\_ Water & Sewer \_\_\_\_\_ Aviation \_\_\_\_\_  
Claims Manager:  Concur/date 02/22/10  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303



RE: CLAIM FOR DAMAGES

Today's Date: 2-1-10

*BURNS*  
*2/2/10*

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 2,799.53 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

*Unit 3420*

1. Date of incident: 2-1-10
2. Time of incident: 5:30-6:30pm
3. Police called: yes / officer Richard Dillon
4. Location of incident (including street address): 3412 Martin Luther King & Brownlee Ave.
5. Name of your insurance company: Assurance America Policy No. PGA0743743
6. State what and how incident occurred: Atlanta GA - I was driving down Martin Luther King, in the right hand lane, passing McDonald's, and in between Family Dollars there was three pot holes. The first pot hole was the big one that I went in, and it broke my rim. Coming around the curve I didn't see it, and it was 2 more pot holes after the first one.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle. *Clark*

Your vehicle: 1993 Buick Roadmaster Tyron McClark  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Nancy E. Markham
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Tyron Clark  
Signature of Claimant

Tyron Clark  
(Print Claimant's Name)

886 Custer Ave  
(Address)

Atlanta GA 30316  
(City, State and Zip Code)

678-330-3466  
(Work Number) (Home Number)

*The date is wrong*

*1-9-08-*

*It was the 2-1-10*

**10- R -0448**

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

|           |             |           |             |
|-----------|-------------|-----------|-------------|
| Y Smith   | Y Archibong | Y Moore   | Y Bond      |
| B Hall    | Y Wan       | Y Martin  | Y Watson    |
| Y Young   | Y Shook     | Y Bottoms | Y Willis    |
| Y Winslow | Y Adrean    | B Sheperd | NV Mitchell |

CONSENT I